

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDREW OUTEN,

Plaintiff,

v.

PRIALEAU, et al.,

Defendants.

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CIVIL ACTION

No. 12-4166

ORDER

AND NOW, this 3rd day of May, 2013, it is hereby **ORDERED** that Plaintiff's Complaint (Doc. 7) is *sua sponte* **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim for which relief may be granted. Accordingly, all claims against Defendants Darien Prialeau, Larry Barksdale, Annie McCray and Brenda Kennerly are **DISMISSED**. It is **FURTHER ORDERED** that Defendants' Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 4(m) (Doc. 25) is **DENIED AS MOOT**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE